

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IVAN WAYNE ANDERSON,

Plaintiff,

v.

CITY OF ALLEN,

Defendant.

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CASE NO. 4:06cv385


**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 21, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the Defendant's Motion for Summary Judgment (Dkt. 33) be denied.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Defendant's Motion for Summary Judgment (Dkt. 33) is denied.

IT IS SO ORDERED.

SIGNED this the 16th day of October, 2007.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE